The

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ONE KOREA

MILITARISTS-MADE CONSTITUTION

Constitution Amendment Bill

Full Text

Korean Students Celebrate

Kwangju Incident

No. 17

Dec. 1962

Our Aims and Demands

Liberation from Japanese Imperialism did not bring complete freedom and independence to Korea. Instead, the Big Powers of the world split the Korean territory and nation into two countries. And to this day, the Korean people have been suffering for sixteen long years under the most piteous and distressing conditions. Not only have we constantly wandered on the brinks of death, pressed by poverty and oppression, but we at last had to commit the most shameful mistake in our history: Incited by foreign powers, we Koreans engaged ourselves in the horrible task of killing our own brothers during that tragical Korean War. Yet, in spite of all these sufferings and injustices, the Korean people obediently held trust in the good faiths of the Big Powers, and solely believed that they would carve out the future of Korea for us.

But today we have finally realized our stupidity. We know well now that we must carve out our own destiny with our own hands, that is, the Korean nation must realize unification of Korea by the nation's own powers if it is willing to live. And the people's uprising in April last year which overthrew that most atrocious government of all times, the Syngman Rhee regime, without borrowing any aid from others, has given us the confidence that we can accomplish this aspiration.

We, as members of the Korean nation and campaigners for the unification movement, urged by such consciousness and confidence, propose here that our Independent and Peaceful Unification shall commence by conducting mutual contact and exchange between the North and South Korean people. Whereby, we are sure, brotherly love will be renewed and North and South negotiations invited; thus enabling concrete plans for unification to be worked out. We also believe that the unification must be not only the unification of the Korean territories but also of the divided nation. And in order to reflect the true will of the entire nation on the unification, we call for a Free General Elections to be held throughout North and South Korea; and through these elections, a Unified Central Government shall be established. From these standpoints, we demand:

1) *To immediately open up exchanges of letters, civilian travel, culture and trade between North and South Korea.*
2) *To convene at once an All-Korea Conference represented by delegates from the Governments, political parties and civil organizations of both Koreas, to study and work out the measures for preparing the All-Korea General Elections and establishing the Unified Central Government.*

We are convinced that these demands are fully legitimate, equitable and just since they are based on the standpoints of humanity, fundamental rights and the principle of self-determination. Still we cannot ignore the bearings which the Korean Unification problem has on the international relations. Thus emphasizing the original mission of the United Nations; respecting the authority of the 1954 Geneva Conference in which both the North and South Korean Delegations had participated, and acknowledging adoption of the Agreements reached at the said Conference, we request the nations concerned:

1) *To call as soon as possible an International Conference that shall further the accomplishments of the Political Conference on the Korean Question held at Geneva in 1954, and accelerate the Korean unification by assisting the independent unification movements of the Korean people.*
   Besides those nations which participated in the 1954 Conference, delegations from the four nations constituting the Korean Armistice Observation Commission (Switzerland, Sweden, Poland and Czechoslavakia) and India shall participate in the proposed Conference.
2) *All nations participating in this International Conference shall assume the responsibility to secure the peace in the Korean Peninsula and to guarantee the peaceful development of Unified Korea.*
   In order to secure these guarantees, the United States, the Soviet Union and all other countries shall immediately stop supplying weapons and all other military aids to the present Governments of North and South Korea; shall pledge to assist in the reconstruction of Korea on conditions of non-intervention in her internal affairs and also not to utilize Unified Korea as military bases; and shall recommend immediate membership of Unified Korea to the United Nations.
3) *The same nations shall also support, when requested, the projects of the Unification Projects Agency which will be established by tne All-Korea Confererecce, and also set up an International Supervision Commission to supervise the All-Korea General Elections which will be administered by the above Agency.*
   The International Supervision Commission shall be formed by nations that did not participate in the Korean War, but elected by the participating nations in the proposed International Conference and confirmed by the United Nations.
4) *The foreign armed forces stationed in Korea shall be replaced by International Police Forces ana evacuate Korea as soon as possible.*
   The International Police Forces shall be organized by troops from nations that did not participate in the Korean War; shall have missions to maintain the peace in Korea and also to secure an atmosphere in which free and fair elections can be enforced; and shall withdraw from Korea when requested by the Unified Korea Government.

Unification of Korea is a matter of life and death to the Korean people. No one, no nation should be allowed to bar our way. Therefore, we here appeal to the world to understand and to extend its support to our aims and demands.

ONE KOREA

A MONTHLY MAGAZINE OF NEWS AND VIEWS ON KOREAN UNIFICATION MOVEMENTS

Dec. 1, 1962 No. 17

CONTENTS

Our Aims .....(2)

Sinister Amendment ..(3)

Militarists-Made Constitution .....(5)

Text of Amendment Bill .....(12)

Students Celebrate Kwangju Incident ..(23)

News of the Month ...(24)

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Sinister Amendment

The Supreme Council announced its so-called Constitution Amendment Bill on Nov. 5. This amended constitution composed of a preamble, five chapters with 111 articles and nine supplementary rules will be passed by the national referendum on Dec. 17. A majority of the votes cast by more than 50% of the total eligible votes will approve the bill. This is only one-fourth the total eligible votes and the voters are only to be allowed to express yes or no on the amendment bill as a whole!

So, it is considered a certainty that the amendment bill will be approved and following this, the militarists are expected to form a political party of their own led by Central Intelligence Agency Director Kim Chong-Pil by the end of January next year, get Chairman Park Chung-Hee elected to the presidency in March and establish a new national assembly controlled by military men by the end of May.

Thus the general speculation has become true and it is quite clear now that the series of actions to revise the Constitution were definite moves by the militarists to continue their rule of the land not only through but also after the restoration of civilian rule.

Unconstitutional

The amendment of the Constitution done with such sinister motive naturally gave rise to arguments. It was already incoherent that this military regime which destroyed the constitutional order by violence and suspended all constitutional functions should talk about amending the Constitution.

If the transitional military government wishes to maintain the identity of the state, and normalize the constitutional order and functions through the transfer of the government to civilian rule, it should begin by restoring the existing Constitution of the Second Republic. And if the social changes require the Constitution to be amended partly or entirely, the amendment must be done in accords with the precedures provided in the Constitution and there exists absolutely no ground for the militarists to revise the Constitution by employing the provision of their self-enacted Law Concerning Extraordinary Measures for National Reconstruction.

To Secure Military Dictatorship

As it was drafted and proposed by the militarists in full defiance of the constitutional procedures, it may be natural to find the amended constitution so undemocratic and anti-national. Still it is shocking nonetheless. The unjustful political suppressive laws like the Political Activities Purification Law are incorporated therein (Supplementary Rule 4); while incredible provisions prohibiting candidacy of independents for the presidency or the national assembly are included (Articles 64 and 36). These provisions are provided to secure the present ruling team of Park Chung-Hee and Kim Chong-Pil and to establish a dictatorship concentrating the state powers into the hands of the president.

In order to forestall public criticism, a standard on publication installations will be prescribed by law and censorship may be enforced to maintain public moral and social ethics (Article 18 paragraphs 2 and 3). To make their dictatorship safe and sound, further amendment of the Constitution is virtually prohibited except by the government and the ruling party. And furthermore, fearing the loss of the ruling reigns in case of national reunification and in order to perpetuate the divided state of Korea, a National Security Council will be set up to take charge of foreign affairs and defense as a constitutional body (Article 87).

It is often said that the ROK Constitution has been utilized as a tool to serve the ruling party and, therefore, a Constitution far remote from a democratic constitution belonging to the people. In truth, the past history of the ROK Constitution shows that it was no constitution meant for the newly born nation and during the rule of Syngman Rhee, amendment followed amendment until the authority of the Constitution virtually fell to the ground at times. Still, in spite of the tyrannical ways of Syngman Rhee, the Constitution maintained its breath.

Although the people brought down the Syngman Rhee regime by the April Revolution in 1960, the National Assembly continued to function and by amending the Constitution in accords with the constitutional procedures, the idendity of the Constitution was maintained while opening the way to democracy at the same time. The militarists ruthlessly destroyed this Constitution of the Second Republic which the people had won back to democratize the land. The outrage smeared a disgraceful blot on the history of constitutional government in Korea. Now instead of making up to the people, the militarists are stepping up the work to give a seeming constitutionality to their dictatorship. Nothing can be more shameless.

Such shameless treachery against the people of South Korea cannot be allowed. If the people should let such treachery get by, the Republic of Korea will be descended upon by a tyrannical dark age far worse than that experienced under Syngman Rhee. Not only will the people be made to suffer more under suppression and poverty but the hopes of unifying the fatherland will also be shattered

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Ring out the old, ring in the new,
Ring happy bells, across the snow;
The year is going, let him go;
Ring out the false, ring in the true.

from Lord Tennyson; **In Memoriam**

MILITARISTS-MADE CONSTITUTION

Perpetuation of Dictatorship

The Constitution Amendment Bill proposed by the militarists is a retrogressive, unconstitutional and arbitrary change of the basic law. Nearly all the merits of the existing Cnstitution is eliminated and the emerging undemocratic, anti-national, militarists-made constitution will serve only the militarists in extending their dictatorship.

I Proposal of Bill

Announcement. The Supreme Council announced the proposal of its Constitution Amendment Bill on Nov. 5. This bill which had been under preparation since July will be passed by the Council after 30 days' public notice and referred to the national referendum on Dec. 17 for final decision. The military regime declared that it proposed the amendment bill "to establish a firm foundation for a truly democratic Third Republic" which will appear when the government will be transferred to civilian rule in August next year. The real intention of the militarists, of course, is to seek prolongation of the military rule through the amendment.

In preparation for the restoration of civil rule, the military regime has set the following political schedule: finalization of the constitution amendment in Dec.; presidential elections in March; general elections to select the representatives to the new National Assembly in May and transfer of the government in August. According to the militarists, this amendment is their first step towards restoration of civil rule.

Major Changes. According to the amendment, South Korea will again return to the presidential system of government with a unicameral national assembly with 150-200 seats. The existing constitution suspended since the military takeover in May, 1961 stipulates a responsible cabinet system with a bicameral legislature.

Besides this drastic change in the power structure of the state, the amendment will bring about following major changes:

(1) The President shall be elected directly for a term of four years and all independent candidates will be ineligible for the presidency. The powers given to the president is incomparable: He will be the head of the government; command the armed forces; appoint the prime minister and members of the State Council and nominate the justices of the Supreme Court. He will also have the power to proclaim martial law; disband political parties and issue orders having the effect of law in case of emergencies. He will, furthermore, have the National Security Council, the Economic and Scientific Council and the Inspection-Audit Board under him to advise and assist him.

(2) The Prime Minister's power will be limited to the position of a liaison officer between the President and State Council members.

(3) The National Assembly will be a unicameral body composed of 150 to 200 seats. Candidacy of independent politicians for the Assembly will be prohibited and in case of secession from the party or transfer to other parties, or in case the party is dissolved, members of the Assembly concerned will be stripped of their membership from the Assembly. The Assembly will excersize legislative power but

the president can return any bill passed for reconsideration. The Assembly will no longer have the power to censure the prime minister or other ministers and can only recommend their removal to the president.

(4) Civil rights are cleverly suppressed. The standard for publication installations of newspapers and presses may be determined by law and outdoor assemblies also can be restricted by law.

(5) The decrees and treaties based on the Law Concerning Extraordinary Measures for National Reconstruction will remain in force so far as they do not violate the revised constitution. The Law to Punish Special Crimes, the Law to Punish Those Involved in Fraudulent Elections, The Political Activities Purification Law, the Law Regarding the Disposition of Illicit Profiteers and all other laws related thereto shall remain in force and shall not be revised.

II Characteristics

Imprudent Fraud

Thorough Amendment. The most questionable point of the amendment bill is that it can hardly be called an amendment. The existing Second Republic Constitution has undergone so thorough a change that its original form no longer remains. As Seoul daily Chosun Ilbo pointed out, this is no amendment but establishment of an entirely new constitution. Nevertheless, the militarists dared to call their action amendment done in accords with the provisions of the existing Constitution (Art. 98) and the Law Concerning Extraordinary Measures for National Reconstruction (Art. 9).

As a matter of fact, this problem whether the military government should establish a new constitution for the Third Republic or revise the existing Constitution, was argued as soon as the Constitution Deliberation Committee got down to its work last July. The issue, moreover, developed into a hot public debate climaxed by the Donga Ilbo Incident in which its editorial writer Hwang San-Duk was arrested for writing that the military government had no authority to amend the Constitution. This self-evident theory, it should be recalled, was charged as "traitorious school of thought denying the spirit of the military revolution" by the militarists.

Then the militarists proceeded with a forceful logic: As the Supreme Council was serving as proxy for the National Assembly based on the Law Concerning Extraordinary Measures for National Reconstruction, it possessed the authority to amend the Constitution. And thus the militarists went on to adopt the form of amendment instead of establishing a new constitution.

The purpose of the militarists is clear. They are trying to give the constitution of the Third Republic the appearance of an amendment of the Second Republic Constitution so that the coming Third Republic will possess a seeming identity with the Republic of Korea "established through the elections supervised by the United Nations and also recognized by that body."

Quite Unconstitutional. Such, however, is quite inconsistent both in theory and practice. By overthrowing the state bodies established through constitutional procedures, the militarists had clearly offended the Article 91 of the Criminal Law and committed treason against the state. The treachery committed denied the militarists any authority to amend the Constitution. Moreover, if the Constitution is to be respected, its amendment must be entrusted to the Fifth National Assembly by restoring it. Otherwise, no amendment can be constitutional.

So, the action taken by the militarists in presenting the Constitution Amendment Bill must be said entirely unconstitutional and it also lays bare the weakness of the militarists of having no constitutional

ground to remain on the ruling chairs of the land. To be exact, their work is nothing but an imprudent fraud.

Fraudulent Joint Statement

Aims. On proposing the amendment bill, the 23 members of the Supreme Council elaborated on the aims of the bill in a joint statement and said that they were proposing the amendment bill "to establish a firm foundation for the Third Republic". They also declared that "the task of the military revolution is to relieve the nation from corruption, injustice and poverty and to reconstruct a new democratic welfare state" and "in order to have the Third Republic succeed this noble task", they were "proposing the constitutional change after extensive and sincere studies of the basic law".

Then summarizing the contents of the Constitution Amendment Bill, the Supreme Councillors claimed:

(1) The people's fundamental rights have been guaranteed to the maximum degree;

(2) The foundation for a democratic representative government has been founded by establishment of a modern democratic party system;

(3) Effective organization and management of th national assembly has been regulated;

(4) A stable, democratic government power structure has been founded;

(5) Independent and democratic judicature has been established;

(6) Effective economic systems and organs have been set up to gain a swift development of the national economy;

(7) Organizations to secure national security has been established;

(8) The people possessing the sovereign rights have been given the right to make their decision on the constitutional change through national referendum.

Downright Lies. These are all downright lies. The militarists must be out of their minds or shameless to talk about "reconstructing a democratic welfare state"; for South Korea has never been a welfare state before. And to play up the Third Republic which will be but an extension of the military dictatorship, as a truly democratic state is quite dumfounding.

Being characters to tell such lies and possessing such way of thinking, it is no wonder that the militarists should propose this thorough change of the basic law, which they did in extreme secrecy, in the form of an amendment and aim to get it confirmed with a vote of only one-fourth the total eligible votes.

Undemocratic Nature

Cut Out for Militarists. Constitution is the basic law of the state determining the political, economic and social systems of the state, the rights and duties of the citizen and the basic principles of the functions and activities of state organs. So, it is generally thought that constitutions reflect the will of the ruling class and tend to defend its interests.

This militarists-made constitution consisting of a preamble, five chapters of general provisions, rights and duties of citizens organs of govenment, economy and amendments on the constitution and supplementary rules, is an entirely undemoratic constitution drawn up to serve as a tool of the militarists, so closely tied with the big businesses and foreign interests, to perpetuate their military rule.

Dictatorial President. The undemocratic features of the revised constitution are symbolized by the following points: Firstly, the president has become a dictatorial post. It is more powerful than that occuied by Syngman Rhee which was already incomparable.

On top of the powers to command the armed forces, issue emergency orders, enforce martial law and request dissolution of political parties, the president will have direct control over the new organs o the National Security Council and the Economic and Scientific Council as well as the Board of Inspection.

These amount to virtual monopolization of all governmental powers and vast

superiority over the legislature. The prime minister is reduced to a titular office and the state council to a mere deliberating body without any power to make decisions.

Weakening of National Assembly. Secondly, the National Assembly has been greatly weakened. It is not only bereft of all powers to check the president but it no longer has the power to censure the prime minister or other ministers but can only recommend their removal to the president. Legislation no longer will be limited to the Assembly and the government is enabled to present legislations. The Assembly does not have the right to approve nomination of high government officials either. On the contrary, the status of Assemblymen will be extremely insecure, since they are liable to lose their seats by the most incredible reasons: Article 38 stipulates that "a person shall lose his membership in the National Assembly during his tenure when he leaves or changes his party or when his party is dissolved". The president, in the meantime, can call on the Supreme Court to decide on dissolution of political parties (Art. 7). So, in short, the assembly will be subjugated to the president.

Restrictions on Civil Rights. Thirdly, vast restrictions are imposed on civil rights.

(1) As mentioned above, freedoms of speech and publication will be liable to restriction by Article 18 which allows prescription of publication of press and newspapers by law and censorship of motion pictures and dramatic plays for "the maintenance of public morality and social ethics".

(2) Organizations and activities of political parties will be restricted by Art. 7 and growth of any strong opposition party will be impossible since the government can dissolve any party at its discretion.

(3) Anti-government demonstrations will be prohibited by Article 18 stipulating "the time and table of outdoor assembly may be determined in accordance with the provisions of law".

(4) The right of the citizen to become a candidate for the national assembly or the presidency will be limited to only those belonging to political parties. (Art. 36 and 64) The aim of these provisions apparently is to forestall emergence of any opposition which might engage in anti-government activities. Such is a serious infringement on civil rights.

(5) Other retrogressive changes are: The deletion of the citizen's right to petition for the removal of public officials who have acted unlawfully (Art. 27 of existing Constitution). The ambiguous expression in relation to the election of local autonomous bodies. The existing Constitution provides that heads of cities, counties and villages must be chosen by direct vote by the citizens but the amendment bill only says that the methods of election for the local autonomous bodies shall be determined by law.

Anti-National Character

Perpetuation of Divided State. Another notable feature of the amendment bill is its anti-national character. According to Article 87, a National Security Council will be established to advise the president on the formulation of foreign, military and domestic policies. This Council is going to be the "organization capable of destructing agressions by Communist forces and securing the solid security of the state" mentioned in the joint statement issued by the junta members.

Why must the militarists establish such body as a constitutional organ when they can "destruct" Communist forces by other means? The reasons are plain: They must, first of all, advertise that they are full-fledged anti-Communist-fighters; secondly, the Council is to take over the works of the present Central Intelligence Agency (CIA) which has worked so hard to suppress the unification movement as well as other political activities of the people. And, thirdly, it is to strengthen the military dictatorship to be continuously run by the team of Chairman Park

Chung-Hee and CIA Chief Kim Chong-Pil. The intention of establishing this Council is apparently to perpetuate the division of the fatherland and, therefore, must be said treacherously anti-national.

Retrogressive Economic Provisions

Unrealistic Changes. The progressive economic provisions of the existing Constitution has been changed into retrogressive clauses. The most distinguishing is the deletion of the basic right concerning balanced distribution of profits to workers. Another is the abolishment of the financial clauses.

Furthermore, the amendment seeks to impose a free enterprise economic system on the nation, for Article III stipulates: "the economic order of the Republic of Korea shall be based on the principle of respect for freedom and creative ideas of individuals in economic affairs". Even Syngman Rhee who wished to eliminate the socialistic clauses refrained from inserting such out-of-date, unrealistic provision.

Militarists' Tool

Perpetuation of Military Rule. To crown it all, the preamble dares to treat the May 16 military coup d'etat on the same level with the April 19 student uprising. It is clear to anyone's eyes that the two are poles apart: while the latter was a truly popular democratic revolution, the former was a counter-revolution turning back the clock of democratic development.

Then as former chief justice Kim Pyung-Ro charged, the militarists committed another serious destruction of the exixting Constitution by switching the establishment date into their own amendment date. There are no limits to their arbitary ways.

So, in such manner, the militarists have remoulded the constitution to make it serve as their tool to perpetuate the military dictatorship. The amendment has made the way clear for Park Chung-Hee to get the presidency and the junta members to control the assembly; for while ban on political activities are still maintained on the one hand, independents will be prohibited to run in the elections on the other. Then such suppressive laws as the Political Activities Purification Law and the Law to Punish Special Crimes will remain in force and be unrevisable. The amendment was so contrived to make the perpetuation of military rule complete and lasting.

III Reactions

Editorials of Seoul newspapers were critical towards the amendment bill. They attacked in unison the secretive ways of the militarists:

Donga Ilbo (Nov. 6): "Lack of Explanation"

The fifth Constitution Amendment Bill seems a product of eclection and compromise. The eclection of different systems can be detected as well as compromise between ideal and reality. The deletion of the basic right concerning balanced distribution of profits to workers must be said a retreat of an unrealizable ideal.

As the deliberation on the drafting of the constitution was not done in public, a detailed explanation of the aims of the amendment must be asked from the government. The developments of the Deliberation Committee was reported from time to time but the public was not offered sufficient informations on why certain provisions were adopted and why others dropped.

Article 49 paragraph 3, for instance, which authorizes the president to request the national assembly to reconsider the bill in part or with proposed amendments does not coincide with what was reported. The public would like to know why such change ensued.

Kyunghyang Shinmoon (Nov. 6): "Abolish Martial Law"

As the deliberation of the constitution

amendment was done in secret, the nation was not fully informed of the intentions of the amendment bill. Neither does the joint statement issued by the Supreme Council members on proposing the bill make it clear enough for the public to understand the changes made in the Constitution.

It is, for instance, stipulated in Article 18, paragraphs 1 and 2 that all citizens shall enjoy freedom of speech, press, assembly and association and that licensing and censorship in regard to speech and press or permit of assembly and association shall not be recognized; while paragraphs 3 and 4 stipulate that the standard for publication installations of a newspaper or press may be prescribed by law and that the time and place of outdoor assembly may be determined in accordance with the provisions of law. Contradiction lies between these paragraphs.

Now, since the amendment bill is going to be referred to national referendum, an article-by-article explanation is quite necessary. The 30-day public notice, we believe, was given to hear the opinions of the people. If such is the purpose, politicians, businessmen and men of letters should express their respective opinions freely and the Supreme Council should give due consideration to these opinions before passing the bill.

We have already recommended abolishment of the martial law in order to secure free atmosphere for the national referendum and we must again stress that such step is urgently needed not only for the national referendum but also to invite free criticism on the amendment bill as well as get political activities launched.

Chosun Ilbo (Nov. 20): "Revise the Amendment Bill"

Many contradictions can be detected in the wording of the amendment bill. Article 80, for instance, stipulates that the acts of the President in accordance with the law shall be executed by written documents and all such documents shall be counter-signed by the Prime Minister and the members of the State Council concerned. But as his first "act in accordance with the law", will be the nomination of the Prime Minister, the President will have no one to counter-sign his document. Then in regards to Art. 75, the word "emergency" should be inserted before "state of siege", for the warrant system, freedom of speech, press etc. are liable to be menaced or restricted even under an "alert" state of siege.. Such apparent contradictions and omissions should ntturally be amended or supplemented.

Nearly all thoughtful people have expressed opposition to the provisions prohibiting candidacy of independents for the presidency and national assembly and stipulating loss of assembly membership in case of secession from his party. The general fublic has also pointed out that this is going in the wrong direction.

How could such system be enforced when the nation is at a loss in having no political parties? It is our belief that a truly healthy and new foundation for party politics will be fostered by allowing all new and conscientious politico- minded persons, whether belonging to a party or not, to run in the elections. It is hoped that the Supreme Council will bring down a clear-sighted decision on this point.

"Constitution Must Be Principled"

This is a criticism on the constitution amendment bill by former chief justice of the Supreme Court, Kim Pyung-Ro, carried by the Nov. 9th Chosun Ilbo. The former chief justice considers the amendment as drawn up for the "expediency" of the militarists and has clearly pointed out the contradictions and defects therein:

There are so many points difficult to comprehend in relation to the principle by which the amendment was drawn up. It can be thought in a way, that this

amendment was influenced by the recent trends in the Middle East, Southeast Asia or newly born African countries where constitutions have been established or revised to serve the expediency of the revolutionary forces that have emerged as victors in the power--struggles. And for this account, constitution of these countries have become extremely complicated.

As constitutions determine the basic law of the state, it will bear bad effects on future legislations if they go into too much detail. From this viewpoint, the amendment bill has too much provisions dealing with the details. The original constitution of the United States contained only a number of articles. Some amenmends have been added but it still remains concise and for that account commended as the world's most democratic constitution.

I have already expressed my view that the unicameral legislature and the presidential form of government are suitable to our country in view of the realities and for the sake of ensuring political stability and efficiency of the government. But by abolishing the assembly's right to give consent to the nomination of high government officials including the prime minister, the necessity of check-and-balance between the executive and the legislature has been completely ignored.

The supplementary rule prohibiting amendment of laws is beyond apprehension There can be no legal grounds for this provision that prohibits revision or abolishment of the Political Activities Purification Law and the Law Regarding Disposition of Illicit Profiteering and other laws related thereof. Laws may be enacted by the government according to the needs of the times and the same government must be able to revise or abolish these laws in line with the changes in the situation. Has not the present military government enacted, abolished and revised countless laws within so short a period? It must be said that the above is another incomprehensible provision.

It could be said all right to establish a National Security Council directly under the president. But the council must not exceed the authorities of the State Council and be held down as an advisory body with the least necessary number of members. Economic and Scientific Council should be a temporary body placed under the state council instead.

Another incomprehensible point is the preamble. As the constitution is the basic law, it must be consistent. Therefore, announcement of its establishment date in the preamble cannot ever be changed. If there were any need to change the preamble, it should have been limited to the insertion of the April 19 student uprising and the May 19 military revolution. Now why was the date of establishment, July 12, 1948, replaced by the date of amendment?

In the light of the importance of people's right to participate in the government, it is quite ruthless and inconsiderate that a person must be recommended by a political party in order to run for the president and the national assembly and also that assemblymen would lose their membership in case they change parties or secede from their parties. What serious reasons were there to put in such provisions? This too is quite incomprehensible. Does it mean that the adverse effects are not foreseen despite all the talks about fostering political parties? As everybody possesses the freedom to choose a party whose ideas and policies he likes, one must also be given the freedom to reject all parties in case he finds them all unconvincing. One must, furthermore, be given the freedom to secede from the party he has chosen when that party does not serve the welfare of the nation. As such provisions deprive so much from the citizen's political freedom, it seems that they came into being through careless mistakes.

TEXT OF CONSTITUTION AMENDMENT BILL

(The following is a translation of the full text of the Constitution Amendment Bill. Major amendments are indicated in dark letters.—Ed.)

PREAMBLE

We, the people of Korea, possessing a long history and glorious tradition and inheriting the great spirit of independence as manifested in the March 1st movement, **in establishing a new republic based on the ideals of the April 19 student uprising and the May 16 military revolution, pledge ourselves:**

To consolidate national unity through justice, humanity and brotherhood;

To establish democratic institutions free of evil social customes of all kinds;

To afford equal opportunities to every person to discharge his duties in all the fields of political, economic, social and cultural life;

To promote the balanced welfare of the people at home and to strive for the maintenance of permanent world peace abroad and thereby to ensure the security, liberty and happiness of ourselves and posterity to come forever;

The Constitution established July 12, 1948 is hereby revised by a national referendum on the . . . day of . . . in the year of 1962.

CHAPTER I
General Provisions

ARTICLE 1. The Republic of Korea shall be a democratic republic. The sovereignty of the Republic of Korea shall reside in the people and all state authority shall emanate from the people.

ARTICLE 2. The requisites for Korean citizenship shall be determined by law.

ARTICLE 3. The territory of the Republic of Korea shall consist of the Korean peninsula and its accessory islands.

ARTICLE 4. The Republic of Korea shall strive for the maintenance of international peace and renounce all aggressive wars.

ARTICLE 5. Treaties duly oncluded and promulgated in accordance with this Constitution and the generally reocgnized rules of internal law shall have the same effect as that of the law of the land.

The status of aliens shall be guaranteed as prescribed by international law and treaties.

ARTICLE 6. Government officials shall be the servants of the entire people and shall be responsible thereto.

The status and political neutrality of government officials shall be guaranteed in accordance with the provisions of law.

ARTICLE 7. Inauguration of political parties shall not be restricted and multi-party system shall be guaranteed.

The organization and activity of political parties shall be democratic. Parties shall have due organization necessary to aid the people, in the formation of political opinions.

Political parties shall receive protection of the State. If and when the purpose and activities of a certain political party run counter to the basic democratic order, the government may call on the Supreme Court to decide dissolution. Parties shall be dissolved by the Supreme Court's ruling.

CHAPTER II
Rights and Duties of Citizens

ARTICLE 8. All citizens shall possess the dignity and worth of man, and the State shall be responsible to guarantee to the maximum degree the fundamental human rights of citizens.

ARTICLE 9. All citizens shall be equal before the law. No discrimination as to political, economic and social life, based upon sex, religion or social position shall exist.

No privileged castes shall be recognized, nor be established.

The award of decorations or marks of honor in any form shall confer upon recipients only personal honor and no privileged staus shall be created thereby.

ARTICLE 10. All citizens shall enjoy personal liberty. No citizens shall be arrested, detained, searched, tried, punished, or subjected to compulsory labor except as provided by oaw.

All citizens shall not be subjected to torture and shall not be compelled to make testimonies criminally disadvantageous to themselves.

In any case of arrest, detention, search or confiscation, a warrant therefore issued by court judges at the request of prosecutors shall

be necessary. However, in any case of flagrante delicto or in any case where there is danger that the criminal, committing offenses for which a penalty of three years imprisopment or more is provided, may escape or that the evidence of the crime may be destroyed, the detecting authorities may request an ex-post facto conformity with provisions prescribed by law.

All persons who may be arrested or detained, the right to have the prompt assistance of counsel shall be guaranteed. However, in any case where the criminal defendants are unable to obtain the assistance of counsel, the State shall provide the counsel in accordance with the provisions of law.

To all persons who may be arrested or detained, the right to request the court for a review of the legality of the arrested or detention shall be guaranteed. In any case of illegal infringement upon the personal liberty of private persons, all citizens have the right to request the court for a remedy in accordance with the provisions of laws.

In any case where the confession of defendants is proved as having been made against their will by torture, assault, intimidation, prolonged detention or other coercive means and in any case the confession is the only evidence disadvantageous to the defendants, the confession shall not constitute evidence of guilt or punishment.

ARTICLE 11. All citizens shall not be prosecuted for any act which did not constitute a criminal offense under the law effective at the time when it was committed, nor shall they be placed in double jeopardy.

All citizens shall not have their right to participate in government restricted or their right to property deprived by retroactive laws.

ARTICLE 12. All citizens shall have the freedom of movement and domicile.

ARTICLE 13. All citizens shall have freedom of choice of occupations.

ARTICLE 14. All citizens shall be free from violation of their residence. In case of search or seizure in the residence, the warrant of a judge must be presented.

ARTICLE 15. The privacy of correspondence of all citizens shall be guaranteed.

ARTICLE 16. (1) All citizens shall enjoy freedom of religion.

(2) No State religion shall be recognized, and religion and politics shall be separated.

ARTICLE 17. All citizens shall enjoy freedom of conscience.

ARTICLE 18. (1) All citizens shall enjoy freedom of speech and press, and freedom of assembly and association.

(2) Licensing or censorship in regard to speech and press or permit of assembly and association shall not be recognized. However, censorship in regard to motion pictures and dramatic plays may be authorized for the maintenance of public morality and social ethics.

(3) The standard for publication installations of a newspaper or press may be prescribed by law.

(4) The time and place of outdoor assembly may be determined in accordance with the provisions of law.

(5) The press or publication shall not impugn the personal honour or rights of an individual, nor shall it infringe upon public morality.

ARTICLE 19. (1) All citizens shall have freedom of science and arts.

(2) The rights of authors, inventors and artists shall be protected by law.

ARTICLE 20. (1) The right of property shall be guaranteed. Its contents and restrictions shall be determined by law.

(2) The exercise of property rights shall conform to public welfare.

(3) In case of expropriation, use or restriction of private property for public purposes, due compensation shall be paid in accordance with the provisions of law.

ARTICLE 21. All citizens who have attained the age of twenty shall have the right to elect public officials in accordance with the provisions of law.

ARTICLE 22. All citizens shall have the right to hold public office in accordance with the provisions of law.

ARTICLE 23. All citizens shall have the right to submit written petitions to any State agency.

The State shall be obliged to examine such petitions.

ARTICLE 24. (1) All citizens shall have the right to be tried in conformity with the law by competent judges as qualified by the Constitution and law.

(2) Citizens who are not on active service or employees of the military forces shall not be tried in the military tribunal except in case of espionage on military affairs and in case of crimes in regard to sentinel, sentry-posts, provision of harmful food, and prisoners of war as defined by law, as well as except when they are under an extraordinary state of siege in the territory of the Republic of Korea.

(3) All citizens shall have the right to a speedy trial. The criminal defendant shall have the right to a public trial without delay

in the absence of justifiable reasons.

ARTICLE 25. In case the criminal defendant under detention is found innocent, he shall be entitled to a claim against the State for compensation in accordace with the provisions of law.

ARTICLE 26. In case a person has suffered damages by unlawful acts of public officials done in the exercise of their official duties, he may request for redress from the state or public officials concerned shall not be exempt from liabilities.

ARTICLE 27. (1) All citizens shall have the right to receive an equal education correspondent to their abilities.

(2) All citizens who have children under their protection shall be responsible for their elementary education.

(3) Such compulsory education shall be free.

(4) Independence and political impartiality of education shall be guaranteed.

(5) Fundamental matters pertaining to the educational system and its operation shall be determined by law.

ARTICLE 28. (1) All citizens shall have the right to work. The State shall endeavor to promote the employment of workers through social and economic means.

(2) All citizens shall have the duty to work. The contents and conditions of the duty to work shall be determined by law in conformity with democratic principles.

(3) Standards of working conditions shall be determined by law.

(4) Special protection shall be accorded to the working women and children.

ARTICLE 29. (1) Workers shall have the right of independent association, collective bargaining and collective action for the purpose of improving their working conditions.

(2) The right to association collective bargaining, and collective action shall not be accorded to the workers who are public officials except for those authorized by the provisions of law.

ARTICLE 30. (1) All citizens shall be entitled to a decent human life.

(2) The State shall endeavor to promote social security.

(3) Citizens who are incapable of making a living shall be protected by the State in accordance with the provisions of law.

ARTICLE 31. All citizens shall be protected by the State for the purity of marriage and health.

ARTICLE 32. (1) Liberties and rights of the citizens shall not be ignored for the reasons that they are not enumerated in the Constitution.

(2) All liberties and rights of citizens may be restricted by law only in cases deemed necessary for the maintenance of order and public welfare. In case of such restriction, the essential substances of liberties and rights shall not be infringed.

ARTICLE 33. All citizens shall have the duty to pay taxes levied in accordance with the provisions of law.

ARTICLE 34. All citizens shall have the duty to defend the national territory in accordance with the provisions of law.

CHAPTER III

CHAPTER III

Organs of Government

Section I

The National Assembly

ARTICLE 35. The legislative power shall be exercised by the National Assembly.

ARTICLE 36. (1) The National Assembly shall be composed of members elected by universal, equal, direct and secret elections of the citizens.

(2) The number of the members of the National Assembly shall be determined by law within the range of no less than one hundred and fifty and no more than two hundred persons.

(3) Any person desiring to become a candidate for the National Assembly shall be recommended by the political party to which he belongs.

(4) Matters pertaining to the election of the members of the National Assembly shall be determined by law.

ARTICLE 37. The terms of office of the members of the National Assembly shall be four years.

ARTICLE 38. A person shall lose his membership in the National Assembl during his tenure when he leaves or changes his party, or when his party is dissolved. However, the provisions of this article shall not apply in cases of changes in party membership caused by amalgamation of parties or in case he has been expelled from his party.

ARTICLE 39. No member of the National Assembly shall concurrently hold the position of the Presidency, the Prime Minister, a member of the State Council, a member of the local council, or other public or private positions as determined by law.

ARTICLE 40. All members of the National Assembly shall be prohibited from seeking, through abuse of their position, any rights or interests in property or position,

or from facilitating the securing of the same in behalf of others, by means of contract with, or disposition of, a State or public agency or any enterprise determined by law.

ARTICLE 41. (1) During the sessions of the National Assembly, no member of the National Assembly shall be arrested or detained without the consent of the National Assembly except in case of flagrante delicto.

(2) In case of apprehension and detention of a member prior to the opening of the session, such member shall be released during the session upon the request of the National Assembly except in case of flagrante delicto.

ARTICLE 42. Members of the National Assembly shall not be held responsible outside the National Assembly for opinions expressed or votes cast within the Assembly.

ARTICLE 43. (1) A regular session of the National Assembly shall be convened once every year in accordance with the provisions of law.

(2) In case of extraordinary necessity the Speaker of the National Assembly shall publicly notify the convocation of an extraordinary session of the request of the President or one-fifth or more of the members duly elected and seated.

(3) The period of regular session shall not exceed one hundred and twenty days and the extraordinary session thirty days.

ARTICLE 44. The National Assembly shall elect one Speaker and two Vice Speakers.

ARTICLE 45. Unless otherwise provided for in the Constitution or in laws, the attendance of more than one half of the members duly elected and seated and the concurrence of more than one half of the members present shall be necessary for decisions of the National Assembly. In case of a tie vote, the matter shall be considered to be rejected by the National Assembly.

ARTICLE 46. The session of the National Assembly shall be open to the public. However, it may not be open to the public with the concurrence of more than one half of the members present.

ARTICLE 47. Bills and other subjects submitted to the National Assembly for deliberation shall not be abandoned for the reason that they are not decided upon during the session. However, it shall be otherwise in case the tenure of the members of the National Assembly has expired.

ARTICLE 48. Bills may be introduced by the members of the National Assembly or by the Executive.

ARTICLE 49. (1) Each bill passed by the National Assembly shall be sent to the Executive and the President shall promulgate it within fifteen days.

(2) In case of objection to the bill, the President may, within the period referred to in the preceding paragraph, return it to the National Assembly with the written explanation of his objection, and may request it reconsideration. The President may do the same during the adjournment of the National Assembly.

(3) The President may request the National Assembly to reconsider the bill in part or with proposed amendments.

(4) In case there is a request for reconsideration of a bill, the National Assembly shall reconsider it and if the National Assembly re-passes the bill in the original form with the attendance of more than one half of the members duly elected and seated, and with concurrence of two-thirds or more of the members present, the bill shall become a law.

(5) If the President does not promulgate the bill or does not request the National Assembly to reconsider it within the period referred to in the first paragraph, the bill shall become a law.

(6) The President shall without delay promulgate the law as determined in accordance with the foregoing paragraph (4) and paragraph (5). If the President does not promulgate a law within five days after it has been determined under the foregoing paragraphs, or after it has been returned to the Executive under paragraph (4), the Speaker shall promulgate it.

(7) A law shall become effective twenty days after the date of promulgation unless otherwise stipulated.

ARTICLE 50. (1) The National Assembly shall deliberate and decide upon the national budgets.

(2) The Executive shall formulate the budget for each fiscal year and submit it to the National Assembly within one hundred twenty days before the beginning of a fiscal year. The National Assembly shall decide upon the budget within thirty days before the beginning of the fiscal year.

(3) If the budget is not adopted within the period referred to in the foregoing paragraph, the Executive may, within the limit of revenue and in conformity with the budget for the previous fiscal year, disburse the following expenditures until the adoption of the budget by the National Assembly:

1. The emoluments of public officials and basic expenditures for the conduct of administration.

2. Maintenance costs for agencies and institutions established by the Constitution or law and the obligatory expenditures provided by law.

3. Expenditures for continuous projects already provided in the budget.

ARTICLE 51. (1) In case it shall be necessary to make continuous disbursements for a period of more than one fiscal year, the Executive shall determine the length of the period for such continuous disbursement. The continuous disbursements shall be approved by the National Assembly.

(2) The establishment of a serve fund for unforeseen expenditures not provided in the budget or for any disbursement in excess of the budget shall be approved by the National Assembly in advance. The disbursement of the reserve fund shall be approved by the subsequent session of the National Assembly.

ARTICLE 52. When it is necessary to amend the budget because of circumstances arising after the adoption of the budget, the Executive may formulate a supplementary amended budget and submit it to the National Assembly.

ARTICLE 53. The National Assembly, without the consent of the Executive, neither increase the sum of any item of expenditure nor create new items of expenditure in the budget submitted by the Executive.

ARTICLE 54. When the Executive plans to issue national bonds or to conclude contracts which may create financial obligation for the State outside the budget, it shall have the prior decision of the National Assembly.

ARTICLE 55. The items and rates of all taxes should be determined by law.

ARTICLE 56. (1) The National Assembly shall have power to consent to the ratification of treaties pertaining to mutual assistance or mutual security, treaties concerning international organizations, treaties of commerce, fishery treaties, peace treaties, which shall cause a financial obligation for the State or nationals, treaties concerning the status of alien forces in the territory, or treaties related to legislative matters.

(2) The National Assembly shall also have power to consent to the declaration or war, to the dispatch of the armed forces to foreign states or to the stationing of alien forces in the territory of the Republic of Korea.

ARTICLE 57. The National Assembly may inspect the administration of the State, demand the production of necessary documents, the appearance of a witness in person, and the furnishing of testimony or opinions. However, the National Assembly shall not interfere with judicial trial, criminal investigation in process or prosecution.

ARTICLE 58. The Prime Minister, the State Council Members and Representatives of the Executive may attend meetings of the National Assembly or its committees to report on the state of administration or to state opinions and answer questions and, upon request from the National Assembly, its committees, or from more than thirty members of the National Assembly, they shall appear in any meeting of the National Assembly and answer questions.

ARTICLE 59. (1) The National Assembly may recommend to the President the removal of the Prime Minister or any State Council Member.

(2) The recommendation of the preceding paragraph shall have the concurrence of more than one half of the members of the National Assembly duly elected and seated.

(3) When the recommendations referred to in paragraph (1) and paragraph (2) are submitted, the President shall agree thereto unless there is a special reason to be otherwise.

ARTICLE 60. (1) The National Assembly may establish rules concerning its agenda and internal regulations.

(2) The National Assembly shall review the qualification of its members and take disciplinary actions against its memebers.

(3) The concurrence of a two-thirds or more of the members of the National Assembly duly elected and seated shall be required for the expulsion of any member.

(4) No action shall be brought to court with regard to the disposition under paragraph (2) and paragraph (3).

ARTICLE 61. (1) In case the President, the Prime Minister, State Council Members, Ministers of the Executive Branch, Judges, Members of the Central Election Committee. Members of the Board of Inspection and other public officials designated by law have violated this Constitution or other laws in the exercise of their duties, the National Assembly shall have power to pass motions for their impeachment.

(2) The motion for impeachment, pursuant to the preceding paragraph, shall be proposed by thirty members or more of the National Assembly. The vote of more than one half of the members of the National Assembly duly elected and seated shall be necessary to institute impeachment.

(3) Any person against whom impeachment has been instituted shall be suspended from exercising his power until the impeachment has been tried.

ARTICLE 62. (1) The Impeachment Council shall be established to try impeachment.

(2) The Impeachment Council shall be composed of the Chief Justice of the Supreme Court who shall serve as Chairman, three judges of the Supreme Court, and five members of the National Assembly. However, in case of trial for impeachment of the Chief Justice, the Speaker of the National Assembly shall become the Chairman of the Council.

(3) The concurrence of six or more members of the Impeachment Council shall be required for the decision on impeachment.

(4) The decision on impeachment shall not cause other than dismissal from public position. However, it shall not exempt the impeached person from civil or criminal liability.

(5) Matters pertaining to the impeachment trial shall be determined by law.

Section II

The Executive

A. The President

ARTICLE 63. (1) **The Executive power shall be vested in an Executive headed by a President.**

(2) The President shall represent the State vis-a-vis foreign states.

ARTICLE 64. (1) The President shall be elected by a universal, equal, direct and secret ballot of the people. However, in case of vacancy in the office of the President with remaining terms of two years or less, the President shall be elected by the National assembly.

(2) Citizens who are qualified to be elected to the National Assembly and who, on the date of the Presidential election, shall have resided continuously within the country for five years or more and have attained the age of forty years or more, shall be eligible to be elected to the Presidency. In this case, the period during which a person is dispatched overseas on official duty shall be considered as a period of domestic residence.

(3) Any person desiring to become a Presidential candidate shall be recommended by the political party to which he belongs.

(4) Matters pertaining to the Presidential election shal be dettermined by law.

ARTICLE 65. (1) When more than one Presidential candidate have received the highest number of votes in the popular Presidential election, the person who received a majority vote in open session attended by more than one half of the members of the National Assembly duly elected and seated shall be elected the President.

(2) When there shall be only one Presidential candidate, he shall not be elected unless he has received a one-third or more votes of total unmber of eligible voters.

ARTICLE 66. (1) In case of the election of the President by the National Assembly, the person who receives a two-thirds or more votes of the members of the National Assembly attended by two-thirds or more of its members duly elected and seated shall be elected the President.

(2) If no person shall receive the number of votes referred to in the preceding paragraph, a second voting shall be conducted and if no person shall receive the same number of votes referred to in the preceding paragraph, a final voting shall be conducted between the person with the highest votes and the one with next highest votes, in case there was only one person with the highest wotes, or between the persons with the highest votes in case there were more than one person with the highest votes, and the person who shall receive a majority or votes in such election shall be elected the President.

ARTICLE 67. (1) The President shall be elected within seventy to forty days before the term of the incumbent President expires.

(2) In case of vacancy in the office of the President, an election shall be held immediately. The same shall apply in case the President-elect dies, or loses his qualification as President due to decisions of the court or other reasons.

ARTICLE 68. (1) Before the President assumes his office he shall take the following oath: "I do solemnly swear before the nation that I shall observe the Constitution, defend the State, promote freedom and welfare of the people and shall faithfully execute the office of the President."

(2) The members of the National Assembly and judges of the Supreme Court shall witness the Presidential oath referred to in the preceding paragraph.

ARTICLE 69. (1) The term of the office of the President shall be four years.

(2) In case of vacancy in the office of the President, the successor shall hold office during the remaining term of his predecessor.

(3) The President may be reelected only for one more term.

ARTICLE 70. In case of vacancy in the office of the President or of his inability to exercise his power, the Prime Minister and the members of the State Council in the order as determined by law shall act as the President.

ARTICLE 71. The President shall conclude and ratify treaties, accredit, receive or dispatch diplomatic envoys, declare war and conclude peace.

ARTICLE 72. (1) The President shall exercise the supreme command of the National Armed Forces in accordance with the provisions of the Constitution and law.

(2) The organization and formation of the National Armed Forces shall be determined by law.

ARTICLE 73. (1) When in time of civil war, in a dangerous situation arising from foreign relations, in case of natural calamity or on account of a grave economic or financial crisis, it is necessary to take urgent measures for the maintenance of public safety and order, the President shall have power to take the minimum necessary financial and economic dispositions and to issue ordinances having the effect of law, provided, however, that the President shall exercise such power only when it is not possible to convene the National Assembly in time.

(2) The President shall have power to issue ordinances having the effect of law only when it is necessary for the national security under the state of armed hostilities, and when it is not possible to convene the National Assembly in time.

(3) The ordinances or dispositions set forth in the preceding two paragraphs shall be reported without delay to the National Assembly for approval.

(4) If the approval referred to in the preceding paragraph is not obtained, such ordinances or dispositions shall lose their effect thereafter. However, any law, revised or repealed by such ordinances, shall be duly reinstated from the time they were disapproved by the National Assembly.

(5) The President shall announce to the public without delay the circumstances and reasons in connection with the preceding two paragraphs.

ARTICLE 74. The President may issue Presidential Ordinances concerning matters that are within the scope specifically delegrated by law and that are required for the enforcement of law.

ARTICLE 75. (1) The President shall, in time of war, armed conflict, or similar national emergency when there is a military necessity or when it is necessary to maintain the public safety and order by mobilization of the military forces, proclaim a state of slege in accordance with the provisons of law.

(2) The state of siege shall consist of an extraordinary state and a precautionary state.

(3) Under the proclaimed state of siege, special measures may be taken, in accordance with provisions of law, with regard to the warrant system, freedom of speech, press, assembly and association, or with regard to the rights and the powers of the Executive or the Judiciary.

(4) The President shall immediately notify the National Assembly of the proclamation of a state of siege.

(5) When the National Assembly so requests, the President shall lift the proclaimed state of siege.

ARTICLE 76. The President shall appoint public officials in accordance with the provisions of the Constitution and law.

ARTICLE 77. (1) The President may grant amnesty, commutation and rehabilitation in accordance with the provisions of law.

(2) In granting general amnesty, the President shall receive the consent of the National Assembly.

(3) Matters pertaining to ammesty, commutation and rehabilitation shall be determined by law.

ARTICLE 78. The President shall award decorations and other honours in accordance with provisions of law.

ARTICLE 79. The President may attend and address the National Assembly or present his views thereto by written message.

ARTICLE 80. The acts of the President in accordance with law shall be executed by written documents, and all such documents shall be countersigned by the Prime Minister and by the members of the State Council concerned. The same shall apply to the military affairs.

ARTICLE 81. The President shall not hold concurrently the offices of the Prime Minister, the State Council, the head of any Executive Ministry, or other official and private positions as determined by law nor engage in private business.

ARTICLE 82. The President shall not be charged with criminal offense during his tenure of office except for rebellion or treason.

2. The State Council

ARTICLE 83. (1) The State Council shall deliberate on important policies that fall within the powers of the Executive.

(2) The State Council shall be composed of the President, the Prime Minister, and the members of the State Council whose number shall be no more than twenty and no less than ten.

ARTICLE 84. (1) The Prime Minister

shall be appointed by the President, and members of the State Council shall be appointed by the President upon the proposal of the Prime Minister.

(2) No military personnel shall be appointed as the Prime Minister or a member of the State Council unless he has retired from active service.

(3) The Prime Minister may recommend to the President the removal of a member of the State Council from office.

ARTICLE 85. (1) The President shall be the Chairman of the State Council.

(2) The Prime Minister shall asist the President and shall be the Vice-Chairman of the State Council.

sal of the Chairman for a period of four years,

ARTICLE 86. The following matters shall be referred to the State Council for deliberation:

1) Basic plans on State affairs, and general policies of the Executive;

2) Declaration of war, conclusion of peace and other important matters pertaining to foreign policy;

3) Proposed treaties, legislative bills, proposed ordinances of the President;

4) Proposed budgets, closing of accounts, basic plan on disposal of the State properties, conclusion of a contract creating financial obligation for the State, and other important fiancial matters;

5) Proclamation and termination of a state of siege;

6) Important military affairs;

7) Matters pertaining to the request for convening the extraordinary sessions of the National Assembly;

8) Awarding of honour;

9) Granting of amnesty, commutation and rehabilitation;

10) Matters regarding the determination of jurisdiction between Executive Ministries;

11) Basic plans concerning delegation or allocation of powers within the Executive;

12) Evaluation and analysis of the administration of the State affairs;

13) Formulation and coordination of important policies of each Executive Ministry;

14) Impeachment for the dissolution of a politicial party;

15) Examination of petitions pertaining to executive policies submitted or referred to the Executive;

16) Appointment of the Prosecutor General, the Presidents of the National Universities, Ambassadors, the Chiefs of Staff of each armed service, Marine Corps Commandant, Ministers, other public officials designated by law, and the managers of important State-dent, the Prime Minister or a State Council operated enterprises;

17) Other matters presented by the Presimember.

ARTICLE 87. (1) The National Security Council shall be established to advise the President on the formulation of foreign military and domestic policier related to the national security prior to their deliberation by the State Council.

(2) The meeting of the National Security Council shall be presided over by the President.

(3) The Organization, the scope of functions, and other matters pertaining to the National Security Council shall be determined by law.

3. The Executive Ministries

ARTICLE 88. Heads of Executive Ministries shall be appointed by the President from among the State Council members upon the proposal of the Prime Minister.

ARTICLE 89. The Prime Minister shall supervise, under order of the President, the Executive Ministries in their administration.

ARTICLE 90. The Prime Minister or the head of each Executive Ministry may, under the delegation of powers by law or Presidential Ordinances, or ex officio, issue ordinances of the Prime Minister or the Ministry concerning matters that are within its jurisdiction.

ARTICLE 91. The establishment, organization, and the scope of functions of each Ministry shall be determined by law.

4. The Board of Inspection

ARTICLE 92. The Board of Inspection shall be established under the President to inspect the closing of accounts of revenues and expenditures, the accounts of the State and other organizations as determined by law, and to inspect the administrative functions of the Executive agencies and public officials.

ARTICLE 93. (1) The Board shall be composed of no less than five and no more than eleven members including its Chairman.

(2) The Chairman of the Board shall be appointed by the President with the approval of the National Assembly. The term of the tenure of the Chairman shall be four years, and he may be reappointed only for one more consecutive term.

(3) In case of vacancy in the office of the Chairman, the tenure of a successor shall be the remaining period of the predecessor.

(4) The members of the Board shall be apointed by the President upon the propoand may be reappointed consecutively as determined by law.

ARTICLE 94. The Board of Inspection shall inspect the closing accounts of the revenues and expenditures every year, and report, the results to the President and the National Assembly in the following year.

ARTICLE 95. The organization of the Board, the scope of functions, the qualitications of the members of the Board, the range of the public officials subject to inspection, and other necessary matters shall be determined by law.

Section III

The Courts

ARTICLE 96. (1) The judicial power shall be vested in courts composed of judges.

(2) The courts shall be composed of the Supreme Court, which is the highest Court of the State, and other courts at specific levels.

(3) The qualifications for judges shall be determined by law.

ARTICLE 97. (1) Departments may be established within the Supreme Court.

(2) The number of judges for the Supreme Court shall be less than sixteen.

(3) The organization of the Supreme Court and lower courts shall be determined by law.

ARTICLE 98. The judges shall act independently in accordance with the Constitution and law and in conformity with their conscience.

ARTICLE 99. (1) The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly upon the proposal of the Judge Recommendation Council. Upon a proposal of the Council, the President shall request the National Assembly for its consent and shall appoint the Chief Justice after the consent of the National Assembly has been obtained.

(2) Judges of the Supreme Court shall be appointed by the President upon the proposal of the Chief Justice after he has secured the consent of the Judge Recommendation Council. If such a proposal is submitted, the President shall appoint the proposed person.

(3) Judges other than the Chief Justice and judges of the Supreme Court Shall be appointed by the Chief Justice through the decision of the Council of the Supreme Court Judges.

(4) The Judge Recommendation Council shall be composed of four judges, two lawyers, one professor of law nominated by the President, the Minister of Justice and the Prosecutor General.

(5) Matters pertaining to the Judge Recommendation Council shall be determined by law.

ARTICLE 100. (1) The tenure of the Chief Justice shall be six years and he shall not serve a consecutive term.

(2) The tenure of the judges shall be ten years and they may be reappointed in accordance with the provisions of law.

(3) The judges shall retire from office at the age of sixty five.

ARTICLE 101. (1) No judge shall be dismissed from office except by impeachment or criminal punishment, nor shall he be suspended from office or his salary reduced, or suffer from other unfavourable measures, except through disciplinary measures.

(2) In the event a judge is unable to discharge his duty because of mental or physical deficiencies, he may be removed from office in accordance with the provisions of law.

ARTICLE 102. (1) The Supreme Court shall have the power to decide with finality the constitutionality of a law, when its constitutionality is prerequisite to a trial.

(2) The Supreme Court shall have the power to decide with finality the constitutionality or legality of administrative orders, regulations or dispositions, when their constitutionality or legality is prerequisite to a trial.

ARTICLE 103. Any decision to dissolve a political party shall have the concurrence of a three-fifths or more of the duly authorized number of pudges of the Supreme Court.

ARTICLE 104. The Supreme Court may establish, within the scope not inconsistent with law, procedures pertaining to judicial proceedings, internal regulations and rules on routine administrative matters of the courts.

ARTICLE 105. Trials and decisions of the courts shall be open to the public; however, trials may be closed to the public by a court decision when there is a possibility that such trials may disturb the public safety and order or be harmful to decent customs.

ARTICLE 106. (1) Courts martial may be established as special courts to exercise jurisdiction over military trials.

(2) The Supreme Court shall have the final appellate jurisdiction over the military tribunals.

(3) The military trials under an extraordinary state of siege may be limited to the original jurisdiction only in case of crimes

of military servicemen and civilian employees of the armed forces, in cases of espionage on military affairs, and crimes as defined by law in regard to sentinels, sentry-posts, provision of harmful food, and prisoners of war.

Section IV.

Election Management

ARTICLE 107. (1) Election Committees shall be established for the purpose of fair management of elections.

(2) The Central Election Committee shall be composed of two members appointed by the President, two members elected by the National Assembly, and five members elected by the Council of Supreme Court Judges. The Chairman of the Committee shall be elected from among its members.

(3) The terms of office of the Committee members shall be five years and it may be renewed by consecutive reappointment.

(4) The members of the Committee shall not join political parties nor shall they participate in political activities.

(5) No member shall be dismissed except through impeachment or criminal punishment.

(6) The Central Election Committee may, within the limit of law, establish regulations pertaining to the management of elections.

(7) The organization, the scope of functions and other necessary matters of the Election Committees of each level shall be determined by law.

ARTICLE 108. (1) Election campaigns shall be conducted under the management of the Election Committees of each level within the limit determined by law. Equal opportunity shall be guaranteed.

(2) The expenditures incident to the elections shall not be borne by political parties or candidates except where otherwise provided for in the law.

Section V.

Local Autonomy

ARTICLE 109. (1) The local autonomous bodies shall deal with matters pertaining to the welfare of local residents, manage properties, and may establish self-governing regulations, within the framework of laws and ordinances.

(2) The kinds of local autonomous body shall have a council.

ARTICLE 110. (1) The local self-government body shall have a council.

(2) The organization and authority of the local Council, the methods of election of their members, the methods of the election for the heads of local autonomous bodies, and other matters pertaining to the organization and operation of such bodies shall be determined by law.

CHAPTER IV

The Economy

ARTICLE 111. (1) The economic order of the Republic of Korea shall be based on the principle of respect for freeedom and creative ideas of the individual in economic affairs.

(2) The State shall regulate and coordinate economic affairs within the limit necessary for the realization of social justice and for the development of a balanced national economy to fulfill the basic requirements of all citizens.

ARTICLE 112. License to exploit, develop or utilize mines, and all other important underground resources, marine resources, water power, national powers available for economic use may be granted for limited periods in accordance with the provisions of law.

ARTICLE 113. Agricultural tenancy shall be prohibited in accordance with the provisions of law.

ARTICLE 114. The State may impose restrictions or obligations necessary for the efficient utilization of the farm and forest land in accordance with the provisions of law.

ARTICLE 115. The State shall encourage the development of cooperatives founded on the self-help spirit of the farmers, fishermen, and the small and medium businessmen, and shall guarantee their political impartiality.

ARTICLE 116. The State shall encourage the foreign trade, and shall regulate and coordinate it.

ARTICLE 117. Private enterprises shall not be transferred to the State or public ownership nor shall their management be controlled or administered by the State except in cases determined by law to meet urgent necessities of national defense or national economy.

ARTICLE 118. (1) The Economic and Scientific Council shall be established to advise the President on the formulation of important policies concerning the development of national economy and the promotion of sciences for the purpose of such development prior to their deliberation by the State Council.

(2) The President shall preside over the

Economic and Scientific Council.

(3) The organization, the scope of functions, and other necessary matters of the Economic and Scientific Council shall be determined by law.

CHAPTER V.
Amendments to the Coustitution

ARTICLE 119. (1) A motion to amend the constitution shall be introduced either by a one-third or more of the members of the National Assembly duly elected and seated, or by the concurrence of five hundred thousands or more of the voters eligible for the Assembly.

(2) Proposed amendments to the Constitution shall be announced by the President to the public for more than thirty days.

ARTICLE 120. (1) The National Assembly shall decide upon the proposed amendment to the Constitution within sixty days of its public announcement.

(2) The decision on a proposed amendment to the Constitution shall require the concurrence of a two-thirds or more of the members of the National Assembly duly elected and seated.

ARTICLE 121. (1) After an amendment to the Constitution has been adopted, it shall be submitted to a national referendum within sixty days and shall receive the affirmative votes of more than one half of votes cast by more than one half of all voters eligible to vote for the election of the members of the National Assembly.

(2) When the proposed amendment to the Constitution has received the affirmatice votes referred to in the preceding paragraph, the Constitution shall be thus amended, and the President shall promulgate the amendment immediately.

SUPPLEMENTARY RULES

ARTICLE 1. (1) This Constitution shall come into force on the date of the first convocation of the National Assembly which is constituted pursuant to this Constitution. However, enactment of the necessary legislation for the enforcement of this Constitution, the elections of the President and the members of the National Assembly pursuant to this Constitution and other preparations may be carried out prior to the enforcement of this Constitution.

(2) The Law Concerning the Extraordinary Measures for National Reconstruction shall lose its effect upon the coming into force of this Constitution.

ARTICLE 2. The first general election for the President and the members of the National Assembly and the first convocation of the National Assembly pursuant to this Constitution shall take place within one year from the date of the promulgation of this Constitution. The term of the President and the members of the National Assembly, thus elected, shall begin from the date of the first convocation of the National Assembly and end June 30. 1967.

ARTICLE 3. The orders and treaties pursuant to the Law Concerning the Extraordinary Measures for National Reconstruction shall remain in force to the extent not incompatible with this Constitution.

ARTICLE 4. (1) The Special Law Regarding the Punishment of Special Crimes, the Law for the Punishment of These Involved in Fraudulent Elections, the Law Regarding the Purification of Political Activities, and the Law Regarding the Disposition of Illicit Profiteering, and other laws related thereto shall remain in force, and no objection thereto shall be raised.

(2) The Law Regarding the Purification of Political Activities, the Law Regarding the Disposition of Illicit Profiteering and other laws related thereto shall not be amended or abolished.

ARTICLE 5. The trials, the budget or disposition pursuant to the Law Concerning the Extraordinary Measures for National Reconstruction, or pursuant to the orders and decrees on the basis of the Law, shall remain in force and shall not be brought to court action on account of this Constitution.

ARTICLE 6. The public officials and the staffs of enterprises appointed by the government at the time of coming into force of this Constitution shall be considered to have been appointed pursuant to this Constitution. However, the public officials, for whom the method of selection has been changed by this Constitution, shall perform their functions until the successors are selected in accordance with this Constitution.

ARTICLE 7. (1) The organs which are, at the time of the coming into force of this Constitution, performing the functions belonging to the jurisdiction of the organs to be newly established pursuant to this Constitution, shall continue to perform their functions until the new organs are established under this Constitution.

(2) The organs to be newly established pursuant to the Constitution shall be organized within one year after the coming into force of this Constitution.

(Continued on Page 23)

N. and S. Korean Students Celebrate Kwangju Students Uprising

North and South Korean students studying in Japan met at Zendentsu Hall in Tokyo on Nov. 3 to celebrate the 33rd Anniversary of the Kwangju Students Uprising. In spite of the situation rendering North-South exchanges difficult in Japan too, some 400 students gathered to spend the evening in friendly exchange of opinions and reports.

Reports on studies on Korea were given by students belonging to both pro-North and pro-South Korean student organizations. Kim In-Su of Tokyo University reported on his extensive study on the history of Korean resistance, while of Waseda University announced his treatise on "Kwangju Student Movement and the Division of Korea."

In the panel discussions, Miss Kim Hwa-Jya of Tokyo Women's Phamacetical College impressed the audience by her argument: "It is our deep concern that the settlement of the ROK-Japan normalization talks is being stepped up. This involves danger of allowing Japan to reinvade Korea and bring about many more Kwangju incidents. In order to prevent such tragedy, we must keep a close watch on the developments of the talks and also strengthen our joint struggle to save the fatherland."

Meanwhile, according to the Korean Central News Agency, students and youths of North Korea held a rally in Pyongyang on Nov. 2 to celebrate the Kwangju Students Incident and they sent a message to the students and youths of South Korea.

Notes: The Kwangju Students Uprising broke out on Nov. 3, 19 29. Raping of a Korean girl student by a Japanese middle school boy touched off a bitter demonstration by Korean students of Kwangju against the Japanese authorities. As the Japanese countered with mass arrests, the struggle developed into a nation-wide anti-Japanese movement that continued into March of the following year. In this struggle, 587 students were thrown into jails and 2,330 expelled or suspended from schools. The incident is long remembered as a glorious and patriotic manifestation of the undaunting spirit of independence.

Constitution

(3) The time of the establishment of the first local councils pursuant to this Constitution shall be determined by law.

ARTICLE 8. The number of the members of the National Assembly after the recovery of the national territory shall be separately determined by law.

ARTICLE 9. The orders of the President, the orders of the State Council, and the Cabinet ordinances existing at the time of the coming into force of this Constitution shall be considered to be the presidential ordinances issued pursuant to this Constitution.

One Korea extends

Season's Greetings

NEWS OF THE MONTH

Nov. 16 to Dec. 15

National Development Corps End in Total Failure

On Cct. 29, the ROK cabinet decided to suspend the projects being undertaken by the National Development Corps and to give out vacations to all corps members by the end of November. The main reason given for the suspension was budgetary difficulties. In the meantime, Construction Minister Park Lim-Hang suggested on Oct. 27 that corps members should return to their former jobs. This was considered equal to admitting complete failure of the projects. The number of youths mobilized into the corps during 1962 alone totalled 16,016 and these youngsters were literally exploited getting driven into the hardest labors at incredibly bad working conditions due to lack of funds.

North Korea-Japan Repatriation Agreement Extended

On Nov. 8, the North Korean Red Cross and its Japanese counterpart agreed in a meeting at Niigata to extend the North Korea-Japan Repatriation Agreement for another year to Nov. 12, 1963. The negotiations had been held since June. While the Japanese proposed revision of the pact since repatriates were decreasing at a fast rate. North Koreans suspected the Japanese of exploiting the talks for political purposes. The humanitarian standpoint won out and the pact was extended for another year without revisions whereby repartiation ships will be scheduled once to twice every month. Since the first ship in Dec. 1959, a total of 77,588 Koreans (99 ships) have repatriated to North Korea as a Nov. 8, 1962.

$54.32 Million U.S. Surplus Farm Goods for 1963

On Nov. 8, South Korea and the United States signed an agreement for the import of U.S. surplus agriculture commodities for 1963. The 8th annual agreement provides for a delivery to South Korea of $49.34 million worth of American agricultural products and $4.98 million for ocean transportation, bringing the total figure to $54.32 million. Approximately 400,000 metric tons of weat, 150,000 bales of cotton, 20,000 metric tons of corn, 10,000 metric tons of grain sorghums and 10,000 metric tons of tallow will be delivered. South Korea reportedly had asked for more than $80 million worth of U.S. surplus farm goods.

Supreme Council Passes 1963 Budget Bill

On Nov. 14, the Supreme Council passed the national budget bill for 1963, confirming the 76,780 million won budget adopted by the Council's special comittee on Nov. 5. The scale of the 1963 budget is 1,710 million won less than than the Cabinet proposed total of 78,580 million won. The revenues consists of 49,740 million won from national revenues and 27,130 million won from the counterpart funds. In the expenditures. 30,021 million won is earmarked for investment in the second vear of the 5-year economic development plan, while 21,230 million won is appropriated for defense. The budget aims to raise the economic growth rate 6.4% in 1963, estimating the national gross incomes at 274.1 billion won.